

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

**MILLARD COURTNEY FARMER, JR.,

Debtor.**

**MILLARD COURTNEY FARMER, JR.,

Movant,**

v.

**JOHN HAROLD MURPHY,

Respondent.**

CHAPTER 13

CASE NO. 18-52363-jwc

CONTESTED MATTER

**NOTICE OF REQUIREMENT OF RESPONSE TO DEBTOR'S OBJECTION TO
PROOF OF CLAIM FILED BY JOHN HAROLD MURPHY [Proof of Claim No. 2]**

PLEASE TAKE NOTICE that on June 4, 2018, Millard Courtney Farmer, Jr. ("Debtor") filed his "Objection to Proof of Claim Filed by John Harold Murphy (Proof of Claim No. 2)" ("Objection") wherein Debtor objected to Proof of Claim No. 2 filed by John Harold Murphy for debt owed pursuant to a judgment on the grounds that the judgment is currently disputed and the disputed debt is unliquidated.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then on or before **July 6, 2018**, you or your attorney must:

- (1) File with the Court a written response, explaining your positions and views as to why your claim should be allowed as filed. The written response must be filed at the following address:

Clerk of the Bankruptcy Court
1340 Richard B. Russell Federal Building
75 Ted Turner Drive SW
Atlanta, Georgia 30303

If you mail your response to the Clerk for filing, you must mail it early enough so that the Clerk will **actually receive** it on or before the date stated above.

- (2) Mail or deliver a copy of your written response to the Debtor's attorney at the address stated below. You must attach a certificate of service to your written response stating when, how, and on whom (including addresses) you served the response.

If you or your attorney do not file a timely response, the Court may decide that you do not oppose the relief sought, in which event the hearing scheduled below may be cancelled and the Court may enter an order disallowing your claim as requested without further notice and without a hearing.

If you or your attorney file a timely response, then a hearing will be held **July 10, 2018, Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You or your attorney must attend the hearing and advocate your position.**

Dated this 4th day of June, 2018.

JONES & WALDEN, LLC

/s/ Cameron M. McCord

Cameron M. McCord
Georgia Bar No. 143065
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**DEBTOR'S OBJECTION TO PROOF OF CLAIM
FILED BY JOHN HAROLD MURPHY [Proof of Claim No. 2]**

COMES NOW, Millard Courtney Farmer Jr. ("Debtor") and files this "*Debtor's Objection to Proof of Claim Filed by John Harold Murphy [Proof of Claim No. 2]*" ("Claim Objection") pursuant to 11 U.S.C § 502(b) and hereby objects to the Proof of Claim (the "Claim") identified herein, and requests that the Court enter an Order disallowing the Claim. In support of this Objection, Debtor shows as follows:

BANKRUPTCY STATUS

1. On February 9, 2018 ("Petition Date"), Debtor filed a petition for relief under Chapter 13 of Title 11, United States Code, 11 U.S.C. §§ 101 et seq. (as amended, modified or supplemented, the "Bankruptcy Code") in the United States Bankruptcy Court, docketed as Bankruptcy Case No. 18-52363 ("Bankruptcy Case").

2. Nancy J. Whaley is the duly appointed and acting Chapter 13 trustee of the Debtor's Estate (the "Estate").

3. This Court fixed April 20, 2018, as the bar date for filing proofs of claim against the Debtor's Estate and August 8, 2018 as the bar date for filing governmental proofs of claim against the Debtor's Estate.

4. By this Objections, Debtor seeks to reduce or disallow in its entirety Claim No. 2 by John Harold Murphy ("Murphy") for the reasons described below:

RELIEF REQUESTED / BASIS FOR RELIEF

5. Debtor requests that the Claim be disallowed until it is a liquidated claim. The Claim is based on a judgment entered on January 26, 2018, in the United States District Court, Northern District of Georgia, Newnan Division (the "District Court"), case style John H. Murphy v. Millard C. Farmer, Jr. Civil Action File NO. 3:15-cv-92 (the "Disputed Judgment"). The District Court has not made a final determination on the attorney's fees owed with the Disputed Judgment. Moreover, the Disputed Judgment is subject to Debtor's motion for a new trial. Because the amount of the Disputed Judgment is subject to an exercise of further discretion the Claim is therefore unliquidated. See In re Robinson, 535 B.R. 437, 448, (Bankr. N.D.G.A 2015) ("If the amount of the debt is dependent, however, upon a future exercise of discretion, not restricted by specific criteria, the claim is unliquidated")

6. Accordingly, Debtor shows that Proof of Claim No. 2 should be disallowed in its entirety until the Disputed Judgment is liquidated and the Claim is amended to show the liquidated amount of the Disputed Judgment, if any.

WHEREFORE, the Debtor prays that: (i) this claim objection be inquired into by the Court; (ii) that the claim be disallowed as set forth herein, and (iii) that the Debtor be granted such other and further relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED this 4th day of June, 2018.

JONES & WALDEN, LLC

/s/ Cameron M. McCord
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing *Objection* and the *Notice of Requirement of Response* on all parties referenced below by depositing a copy of same in the United States Mail, postage prepaid mail to the following:

Office of the United States Trustee
362 Richard B. Russell Federal Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

Colin Bernardino
Kilpatrick Townsend
1100 Peachtree St., N.E., Suite 2800
Atlanta, GA 30309

Nancy J. Whaley
Chapter 13 Trustee
303 Peachtree Center Avenue, Suite 120
SunTrust Garden Plaza
Atlanta, GA 30303-1216

John H. Murphy
c/o Maloy Jenkins Parker
1360 Peachtree Street, NE, Suite 910
Atlanta, GA 30309

This 4th day of June, 2018.

JONES & WALDEN, LLC

/s/ Cameron M. McCord

Cameron M. McCord
Georgia Bar No. 143065
Attorney for Debtor
21 Eighth Street, N.E.
Atlanta, Georgia 30309
(404) 564-9300